



Physical Therapy Board of California

STATE AND CONSUMER SERVICES AGENCY - GOVERNOR EDMUND G. BROWN JR.

Physical Therapy Board of California

Consumer Protection Services Program

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CITATION # 10-11-0446

Mark Gardner, PT
3883 E Street
Eureka, CA 95503

CASE # 1D 2011 69911

CITATION

The Physical Therapy Board of California (Board) has determined you have violated sections of the law regulating the practice of physical therapy. Documented information obtained by the Board confirms you were convicted of a crime which is substantially related to the practice of physical therapy. Therefore, a citation is hereby issued to you in accordance with Section 125.9 of the Business and Professions Code for the violations described below.

FIRST CAUSE OF CITATION

Business and Professions Code Section 2660(d)

Conviction of a crime which is substantially related to the qualifications, functions, or duties of a physical therapist. The record of conviction or a certified copy thereof shall be considered conclusive evidence of that conviction.

You are subject to a citation and fine under Section 2660 (d) of the of the Business and Professions Code in that on or about March 25, 2010, you were convicted of a misdemeanor violation of California Vehicle Code Section 23152 (A) – Driving Under Influence of Alcohol/Drugs in the Superior Court of California, County of Humboldt, case number CR1000273.

SECOND CAUSE FOR CITATION

Business and Professions Code Section 2661

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense which is substantially related to the qualifications, functions, or duties of a physical therapist is deemed to be a conviction within the meaning of this article....

You are subject to a citation and fine under Section 2661 of the Business and Professions Code in that on or about March 25, 2010 you plead guilty to and were convicted of misdemeanor violation of California Vehicle Code Section 23152 (A) – Driving Under Influence of Alcohol/Drugs in the Superior Court of California, County of Humboldt, case number CR1000273. You were placed on informal probation for 3 years with terms and conditions, and ordered to complete the First Offender Alcohol Program and pay restitution and fines.

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THIRD CAUSE FOR CITATION

Business and Professions Code Section 2660 (h):

...violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the Medical Practice Act.

and Business and Professions Code Section 2239:

...the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely, constitutes unprofessional conduct.

You are subject to a citation and fine under Sections 2660 (h) and 2239 of the Business and Professions Code in that on or about March 25, 2010, you were convicted of a misdemeanor violation of California Vehicle Code Section 23152 (A) – Driving Under Influence of Alcohol/Drugs in the Superior Court of California, County of Humboldt, case number CR1000273.

ORDER

Further, **you are ordered to pay a fine of \$300.00** to the Physical Therapy Board of California within thirty (30) days of the date of issuance of the citation or assessment.

If you wish to contest all or any part of this Citation, complete the enclosed "Notice of Appeal" form and return it to this office within ten (10) days after receipt of this Citation. The date indicated on the order of abatement will be held in abeyance only for any violation(s) you wish to contest. The time to correct all uncontested violations will be adhered to as specified. In the alternative, you may, within thirty (30) days of the date of issuance of the citation or assessment, request a formal administrative hearing before an administrative law judge under the Administrative Procedure Act.

FAILURE TO RETURN A REQUEST FOR INFORMAL CONFERENCE AND/OR ADMINISTRATIVE HEARING WITHIN THE TIME INDICATED WILL CONSTITUTE A WAIVER OF YOUR RIGHT TO ADMINSTRATIVELY CONTEST OR APPEAL THIS CITATION.

For your protection and to assure proper credit, please return a copy of the citation and note the citation number on your check or money order.

April 8, 2011
Date


STEVEN K. HARTZELL
Executive Officer

ORDER OF ABATEMENT

Citation Against: Mark Gardner, PT

Citation No. 10-11-0446

Item No. 1

Violation: Business and Professions Code Section 2660(d)

Description: *Conviction of a crime which is substantially related to the qualifications, functions, or duties of a physical therapist. The record of conviction or a certified copy thereof shall be considered conclusive evidence of that conviction.*

Item No. 2

Violation: Business and Professions Code Section 2661

Description: *A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense which is substantially related to the qualifications, functions or duties of a physical therapist is deemed to be a conviction within the meaning of this article....*

Item No. 3

Violations: Business and Professions Code Sections 2660(h) and 2239

Description:

2660(h) ...violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the Medical Practice Act.

2239: ...the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely, constitutes unprofessional conduct.

Order of Correction

You are hereby ordered to abate this violation immediately and to cease and desist from further violation. Failure to comply with the provisions of this Citation and Order of Abatement within thirty (30) days of receipt may result in further legal action.